

ENTERED

September 28, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**GABRIEL H. GUZMAN,
"Plaintiff",

v.

SAM'S CLUB,
"Defendant".§
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Civil Action No. 1:21-cv-00192

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Defendant's "Motion for Summary Judgment" ("MSJ") (Dkt. No. 9), Plaintiff's "Response to Defendant's Motion for Summary Judgment" ("Response") (Dkt. No. 13), Defendant's "Amended Reply in Support of Defendant's Motion for Summary Judgment" ("First Amended Reply") (Dkt. No. 18), Plaintiff's "Surreply in Support of Denial of Defendant's Motion for Summary Judgment" ("Surreply") (Dkt. No. 24) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 45). The R&R recommends this Court grant Defendant's MSJ (Dkt. No. 9).

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Defendant's MSJ (Dkt. No. 9) is **GRANTED**.

Signed on this 28th day of September, 2022.


 Rolando Olvera
 United States District Judge